SINGLE BENCH

(2) (4)

CA 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S.) NO. 924 /2007

PETITIONER : Sunil Kumar Pandey
S/o- Bihari Pandey, 37 years,
Assistant Teacher
Higher Secondary School
Lohandiguda, Distt- Bastar (C.G.)

P.R. No. 1162/07
Presented by Shri Santosh Bhaur
dated 9/2/07

VERSUS

RESPONDENTS: 1) State of Chhattisgarh
Through: The Secretary
Department of SC & ST Welfare
Mantralaya D.K.S. Bhawan Raipur
Distt. Raipur (C.G.)

2) The Commissioner
SC & ST Welfare Department
Raipur (C.G.)

3) The Principal
Govt. Higher Secondary School
Lohandiguda Distt. Bastar (C.G.)

RECEIVED-COPY
9/2/07
CLERK to A. G. BILASPUR

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA

(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 924 of 2007

Petitioner : Sunil Kumar Pandey

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Mr. Prafull Bharat, Advocate for the Petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on this 19th Day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was granted two annual advanced increments for obtaining D.Ed. Examination Certificate vide order dated 26.2.2005. Thereafter, the same has been withdrawn vide order dated 2.6.2005.

2. This Court while dealing with the eligibility of Assistant Teachers who have obtained D.Ed. Examination Certificates in the course of their services at his own expenses has come to the conclusion that D.Ed. certificate is equalant to B.T.I.

3. This case is squarely covered by the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (2006 (II) MPJR-CG 96). This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination Certificate on their own

(25)

expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

3. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) (Supra).

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case is squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired D. Ed. Examination

26

Certificates on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash